



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED
04/08/2011

IN RE: § **CASE NO. 09-32467-H4-7**
§
ROYCE HOMES, LP §
§
DEBTOR §
§
§ **(Chapter 7)**

ORDER DENYING MOTION FOR STAY PENDING APPEAL

The Court having considered *John Speer's Emergency Motion for Stay Pending Appeal* ("Motion") (Docket No. 346), and it appearing that notice of the Motion was proper, and after considering the Motion, the Objection filed at Docket No. 363, arguments of counsel, and any evidence presented, the Court is of the opinion that the Motion as presented should be denied. The Court's decision is based upon the Supreme Court's opinion in *Mohawk Industries, Inc. v. Carpenter*, 130 S.Ct. 599 (2009) as well as the factual findings and conclusions of law made on the record at the hearing on March 30, 2011. The Court held that based upon the Supreme Court's opinion in *Mohawk Industries, Inc. v. Carpenter*, 130 S.Ct. 599 (2009), John Speer has no right to appeal the Order Granting Chapter 7 Trustee's Motion to Compel Production of Documents Claimed as Privileged By John Speer [Docket No. 370] and therefore no right to a stay pending appeal. In the alternative, the Court held that even if John Speer has a right to appeal, he failed to carry his burden to establish a right to a stay pending appeal. Accordingly, it is hereby:

ORDERED that *John Speer's Emergency Motion for Stay Pending Appeal* (Docket No. 346) is DENIED.

Dated: April 8, 2011.



UNITED STATES BANKRUPTCY JUDGE
JEFF BOHM

AGREED AS TO FORM:

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